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November 14, 2023

VIA ECF

The Honorable J. Paul Oetken
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Marlinspike Hall LLC v. Bar Lab Concepts LLC
No. 23-cv-02997-JPO

Dear Judge Oetken:

The parties have made significant progress in their settlement discussions and are submitting this letter to request that the proceeding be suspended for sixty (60) days to allow the parties to continue to focus on settlement rather than spending time and money litigating the matter. Alternatively, the parties request that the Court adjourn/reschedule the scheduling conference set for November 17, 2023 and extend all appurtenant dates by 30 days.

There is good cause for the relief requested herein. Specifically, after the Court's issuance of its order on Plaintiff's Motion for Preliminary Injunction, the parties revisited settlement discussions (through counsel). Based on those discussions, a settlement agreement has been prepared and is in the process of review by the Defendant, Bar Lab Concepts, LLC.

This motion is made with Plaintiff's consent and is not interposed for purposes of delay. The suspension of the proceeding for 60 days should be ample time for the parties to focus all efforts on reaching a final resolution. It will also conserve the resources of the Court and the parties. Accordingly, no party will be prejudiced by the relief sought herein.

To the extent the Court does not suspend the proceeding, the following information is provided pursuant to the Court's Individual Rules and Practice in Civil Cases:

1. Original Date and New Date Requested –
 - a. the original date for the Court's Scheduling Conference is November 17, 2023, while a Civil Case Management Report is due November 14, 2023;
 - b. the new date for the Court's Scheduling Conference will be set by the Court, and if extended by 30 days, would fall around December 15, 2023, with pre-hearing filings due December 12, 2023.
2. Number of Previous Requests for Adjournment/Extension – None
3. Whether Previous Requests were Granted or Denied – N/A
4. Whether the Adversary Consents – Yes, Plaintiff consents to the relief sought herein.

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5. Extension of Discovery / Adjournment of Conference – N/A

In view of the foregoing, the Parties respectfully request that the Court suspend the proceeding for sixty (60) days; alternatively, the Parties request that the Court adjourn/reschedule the conference scheduled for November 17, 2023, and extend all appurtenant dates by 30 days.

Respectfully submitted,



Oliver A. Ruiz
Malloy & Malloy, P.L.

*Counsel for Defendant,
Bar Lab Concepts, LLC*

cc: Counsel of Record, via ECF

This action is hereby stayed for 60 days.
The conference scheduled for November 17,
2023 is adjourned.

The parties shall submit a joint status letter
on or before January 16, 2024.

So ordered.

November 16, 2023



J. PAUL OETKEN
United States District Judge